

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश

चतुर्थ तल विकास भवन, जनपथ मार्केट, लखनऊ-226001

संख्या: 1751/सीईओ-2-67/2-2007

लखनऊ

दिनांक: 20 नवम्बर, 2018

सेवा में,

समस्त जिला निर्वाचन अधिकारी,
उत्तर प्रदेश।

विषय: प्रचार सामग्री के वितरण हेतु वाहनों के प्रयोग के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषय पर भारत निर्वाचन आयोग के संलग्न पत्र संख्या-464/INST/2018-EPS, दिनांक 18 नवम्बर, 2018 का अवलोकन करने का कष्ट करें।
2- भारत निर्वाचन आयोग ने प्रचार सामग्री के वितरण हेतु वाहनों के प्रयोग के सम्बन्ध में निर्देश जारी किये हैं।

कृपया आयोग के उक्त निर्देशों को समस्त रिटर्निंग आफिसर्स, सहायक रिटर्निंग आफिसर्स एवं निर्वाचन से संबंधित सभी सम्बन्धित के संज्ञान में लाते हुए आवश्यक कार्यवाही सुनिश्चित कराने का कष्ट करें।

संलग्नक-यथोक्त।

भवदीय,

(रत्नेश सिंह)

संयुक्त मुख्य निर्वाचन अधिकारी।

संख्या: 1751(1)/सीईओ-2 तददिनांक

प्रतिलिपि, निम्नलिखित को संलग्नक सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :

- 1- वरिष्ठ प्रधान सचिव, भारत निर्वाचन आयोग, निर्वाचन सदन, अशोक रोड, नई दिल्ली को पत्र संख्या-464/INST/2018-EPS, दिनांक 18 नवम्बर, 2018 के सन्दर्भ में।
- 2- समस्त मान्यता/अमान्यता प्राप्त राजनैतिक दल, उत्तर प्रदेश।
- 3- समस्त मण्डलायुक्त, उत्तर प्रदेश।
- 4- समस्त उप/सहायक जिला निर्वाचन अधिकारी, उत्तर प्रदेश।
- 5- अनुभाग अधिकारी, अनुभाग-1, 2, 3 तथा 4, मुख्य निर्वाचन अधिकारी कार्यालय, उत्तर प्रदेश।
- 6- प्रभारी, कम्प्यूटर कक्ष को कार्यालय की वेबसाइट पर अपलोड करने हेतु।

(रत्नेश सिंह)

संयुक्त मुख्य निर्वाचन अधिकारी।

By Speed Post/Fax

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

EPABX 011-2305224/6/268
Fax 011-23052201
Website: www.eci.gov.in

पटवर्तन रोड,
अशोक रोड, नई दिल्ली-110001,
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

Date: 18th November, 2018

No.464/INST/2014/EP/S

Date: 10th April, 2014

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

To
The Chief Electoral Officers,
of all the States & UTs.

Subject: Use of vehicles for distribution of publicity material - Regarding.

Sir,
I am directed to refer to the Commission's letter No.464/INST/2014-EP/S, dated 10th April, 2014 (Point No. 23 of Page No. 4), wherein, it is mentioned that the CEO may grant permission for one vehicle to a recognized political party for distribution of publicity material to its various offices in the State.

In light of representation from various parties during visit of the Commission to the poll going states, the Commission has revised the guidelines and the permission of vehicles to distribute campaign material in the following manner:

1. If any recognized political party makes a request to the CEO for grant of vehicle permission for distribution of publicity material to their various party offices in the state, the CEO may grant permission for one vehicle for every 25 (Twenty five) Assembly Constituencies.
2. The CEO shall issue the permission for vehicles to the recognized political party for distribution of publicity material to their party offices across the state.
3. The recognized political party applying for this purpose along with their application should furnish the details of the vehicle, fitness certificate, name of the driver, date-wise movement plan of the vehicle.
4. Such permitted vehicles will not be exempted from any checking by flying squad, check-posts, SST.
5. These permitted vehicles shall not be used for election campaigning.
6. The expenditure on account of such vehicle shall be incurred by the political party only and not by the candidate/candidates.

Necessary instructions in this regard may kindly be issued.

Yours faithfully,

(Sumit Mukherjee)
Principal Secretary

To
The Chief Electoral Officers
of all States / Union Territories.

Sub: General Election to the Lok Sabha, 2014 - Consolidated Instructions on use of vehicles during elections - Regarding.

Sir/Madam,

With a view to ensuring level playing field for all candidates and other stake holders and further to check the vitiating role of money and misuse of official machinery, the Commission has issued in the past a number of instructions on the above cited subject. For sake of clarity and easy reference, the same have been consolidated and are being re-issued for compliance and guidance during all General/Bye elections to the Lok Sabha/State Legislative Assemblies and all Biennial/Bye elections from Graduates' and Teachers' constituencies of Legislative Councils.

Period of applicability-

2. These instructions shall come into effect from the date of announcement of elections till the completion of elections.

Meaning of 'official vehicle'

3. The expression 'official vehicle' means, and shall include, any vehicles used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempo, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to the (i) Central Government, (ii) State Governments/UT Administrations, (iii) Public Undertakings of the Central and State Governments, (iv) Joint Sector Undertakings of Central and State Governments; (v) Local Bodies, (vi) Municipal Corporations, (vii) Municipalities, (viii) Marketing Boards (by whatever name known), (ix) Co-operative Societies, (x) Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested and also include those belonging to the Ministry of Defence and the Central Public Organisations under the Ministry of Home Affairs and State Governments.

Directions of EC/CI

4. The Commission directs that, subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections. There shall be a total prohibition on the use of any vehicles such as helicopters, aircrafts, (except as regulated by the Commission's order on the subject) cars, jeeps, automobiles, boats, hovercrafts, etc., belonging to the (i) Central Government, (ii) State Government/UT Administration (iii) Public undertakings of the Central and State Governments, (iv) Joint sector undertakings of the Central and State Governments, (v) Local bodies, (vi) Marketing Boards, (vii) Co-operative Societies, (viii)

19/11/18
(सुमित मुखर्जी)
प्रधान सचिव
भारत निर्वाचन आयोग
अशोक रोड, नई दिल्ली-110001

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Autonomous District Councils or any other body in which public funds, howsoever small portion of the total, are invested for any purpose connected with the elections, by any political party, candidate or any other person connected with election (except officials performing any election related official duty).

5. The Commission further directs that the District Administration shall keep a close watch to find out if any official vehicle belonging to any authority specified in the preceding Para is being used for electioneering purposes. In case it is so, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles; after following due procedure, for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until after the completion of the process of elections.

Clarifications

6. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any States not going to the polls but whose vehicles are attempted to be used for campaign either openly or clandestinely in any other State going to poll. The Chief Secretary of each State/Union Territory/the Secretary to the Government of India in the concerned Department, as the case may be, will be personally responsible for any misuse of any vehicle under Ministry/Department or of any of the public sector or joint sector undertakings or Autonomous Bodies or attached offices under that Ministry/Department. The officers under whose charge such vehicles are entrusted will also be equally responsible for any violation.

7. It is further clarified that the use of such vehicles belonging to any of these authorities by anyone, including Ministers of the Central or a State Government, even on payment basis, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of official work in their capacity as Ministers is totally prohibited.

Exception

8. The only exception from the prohibition will be the Prime Minister and other political personalities, who might, in view of extremist and terrorist activities and threat to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by the Parliament or the State Legislature in this behalf.

9. The above restrictions shall also not apply in the case of the President and Vice-President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and such other dignitaries visiting the State from other States. However, it is further clarified that in the case of Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha these restrictions will be applicable at the time of General Elections to the Lok Sabha but not during LA election. It is also clarified again that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.

10.(a) The Commission would like to make it clear that if it has any material to doubt that the assessment of security requirements made by the authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the Government have been

manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of a particular party or candidate, the Commission will bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.

10.(b) For this purpose, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned Government forthwith.

Restriction on convoy of vehicles

11. The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. All bigger convoys exceeding 10 (ten) vehicles shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual.

12. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions, till the process of election is completed.

During Filing of Nominations:

13. The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of Returning Officers/Assistant Returning Officers office shall be three.

Use of vehicles for electioneering purpose

14. There is no limit on vehicles, which a candidate may use for electioneering purposes.

15. But before the campaigning commences, he/shall have to furnish the details of such vehicles and the areas in which they would be used for campaign purposes, to the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf, who after necessary scrutiny would issue a permit. The original copy (not the photo copy) of permit should be displayed on the wind screen of the vehicle. Needless to mention that the permit should be of such dimension, that it can easily be seen from a distance. Permit must contain the number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning).

16. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his/her agent and permits obtained for the same, before the actual deployment of the vehicles.

17. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers so that they can check that the expenditure in this regard is correctly included in the expenditure account of the candidate.

18. Any vehicle used for campaigning without due authorization/permit by the aforesaid officers, shall be deemed to be unauthorisedly campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

19. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.

20. For availing the benefit of clause (a) of explanation (1) given under Sec. 77 (1) of R. P. Act, 1951 by the leaders of the political parties, i.e., star campaigners, the permission for the mode of road transport will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by any leader for election campaigning throughout the State or different vehicles are to be used by such party leaders in different areas. The permit will be issued against the name of the star campaigner concerned and shall need to be displayed prominently on the windshield of the vehicle being used by him/her in any area. The permits so issued by the CEO will be of distinctly different colour from the permits to be issued by the DEOs/RDOs for other campaign vehicles of candidates.

21. On receipt of a request from a recognized political party, the DEO would issue permit for one vehicle to be used by the district level officer bearer of a recognized party (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes. The permit should be issued indicating the number of the vehicle, the name of political leader and the period for which issued and should be of different colour so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other authorities. The expenditure in this regard shall be booked against the political party and not the candidates.

22. The CEO may issue permits for vehicles that can move throughout the State for use of officer bearers of recognized political parties for electioneering purposes only. For the States having more than 100 Assembly Constituencies, the CEO may issue permits for a maximum of five vehicles and for remaining States/UTs, for a maximum of three vehicles to a recognised political party. The expenditure on these vehicles shall be incurred by the political party and not by the candidate.

23. If any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognized political party (National/State). However, the concerned political party (the applicant) will have to specify the names of the Districts, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle shall be incurred by the political party and not by the candidate.

24. In case of Video - Vans etc. to be used by a political party for campaign across the States, before any permission to use Video-Vans for campaign is given, it should be ensured by Chief Electoral Officer that such use of vehicle is in accordance with the Motor Vehicle Act Attention in this context is invited to the judgments dated 23.06.2006 and 14.02.2007 of the Allahabad High Court in Writ Petition No. 3648 (MIB) of 2006 (copies enclosed).

Clarification

25. A cycle rickshaw is also a vehicle as defined in Section 160 of Representation of People Act, 1951, which may be used for election campaign. If it is being used, then a candidate has to account for its expenditure in his account of election expenses. To ensure this, the candidate should give details of such rickshaws being used for his election campaign and, if the rickshaw does not have any Municipal registration/permit for its identification, the rickshaw driver may be given a permit in his personal name by the Returning Officer which the rickshaw driver should carry on his person while using that rickshaw for campaign purposes. However, rickshaws being used for normal purposes of carrying passengers in ordinary course etc. may be exempted, if they are displaying only one poster showing the name or party symbol of a candidate, presuming they are doing so on their own free will.

Use of vehicles on poll day

26. Section 123(5) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate/his agent or by any other person with the consent of the candidate or his election agent for the free conveyance of the voters to and fro from the polling station shall be a 'corrupt practice' and it is also an electoral offence punishable under section 133, with fine which may extend to five hundred rupees.

27. With a view to placing effective curbs on this practice, the Commission issues the following directions:

(A) For an election to the House of the People, each contesting candidate, on the day of poll, will be entitled to:

(a) One vehicle for his own use in respect of the entire constituency;

(b) In addition, one vehicle for use of his election agent in the Parliamentary Constituency;

(c) In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(B) For an election to the State Legislative Assembly, on the date of poll in that Constituency each contesting candidate is entitled to:

(a) One vehicle for his own use;

(b) One vehicle for the use of his election agent;

(c) In addition, one vehicle for use of his workers or party workers.

Clarification

28. It is clarified that, henceforth, the candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types) taxies, auto rickshaws, rickshaws and two wheelers. In these four wheel vehicles not more than 5 persons including driver will be allowed to move on the day of poll. It is further clarified that on the day of poll no other person will be allowed to use the Vehicle allotted for candidate's or his election agent's use. However, the candidate or his election agent may be accompanied in his car by other persons subject to 5 including driver.

29. The permits for the vehicles indicated above will be issued by the District Magistrate/ Returning Officer. The candidates must furnish particulars of their vehicle to be used on poll day to DEO/RO concerned and shall display the permits issued on the wind-screen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including Ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.

Meaning of vehicle

30. The aforementioned restrictions shall apply to all vehicles propelled by mechanical power or otherwise, including but not restricted to taxies, private cars, trucks, tractors with or without trailers, auto-rickshaws, e-rickshaws, scooters, mini buses, station wagons etc., also, and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll.

31. Penal action, both under the provisions of the R.P. Act, 1951 and Chapter IX A of the Indian Penal Code shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated.

Exception

32. There is no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be pleted on the day of poll and there will be no exception:

- (a) Private vehicles being used by the owners for their private use, not connected with elections;
- (b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of a polling station;
- (c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;
- (d) Public transport carriages like buses plying between fixed termini and on fixed routes;

(c) Taxies, three wheeler scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided;

(f) Private vehicles used by sick or disabled persons for their own use;

(g) Vehicles being used by the Govt. officers on duty to reach their duty point.

33. During the period of electioneering, with a view to checking misuse of private vehicles by the candidates/ their agents and party leaders and/or party supporters for carrying anti-social elements so as to instill a sense of fear in the minds of the electorate and/or to smuggle illicit arms and ammunition etc. with a view to creating disturbances during elections, the Commission further directs that the District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their party's leaders; for any possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a party or a private owner, is found to be involved in any such act or for carrying anti-social elements with a view to intimidating or creating terror in the mind of the electorate, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, criminal action against the owner, the occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law.

Please inform all concerned and ensure compliance.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

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